

Eastern District of California

Honorable Thomas C. Holman
Bankruptcy Judge
Sacramento, California

March 4, 2014 at 9:31 A.M.

1. [12-30723](#)-B-13 FLORENCE PERKINS MOTION FOR RELIEF FROM
NLG-1 AUTOMATIC STAY
 1-23-14 [[57](#)]

NATIONSTAR MORTGAGE, LLC VS.

Disposition Without Oral Argument: This motion is unopposed. The court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as to the debtor and the estate pursuant to 11 U.S.C. § 362(d)(1) in order to permit the movant to foreclose on the real property located at 1125 Camellia Lane, Suisun City, California (the "Property") and to obtain possession of the Property following the sale, all in accordance with applicable non-bankruptcy law. The 14-day period specified in Fed. R. Bankr. P. 4001(a)(3) is waived. Except as so ordered, the motion is denied.

The movant alleges without dispute that the debtor is not the original borrower on the loan secured by the Property. The movant also alleges without dispute that the original borrowers, Brent and Alisa Schmeling, transferred the Property to the debtor prior to the date of the filing of the petition for no consideration via a grant deed. The debtor's sworn schedules do not list the Property as an asset of the estate, and the debtor's confirmed plan does not provide treatment for the movant's claim. The foregoing facts constitute cause for relief from the automatic stay.

The court will issue a minute order.

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| <p>2. 14-20226-B-13 NEERAJ/KALYANI KUMAR
VVF-1</p> | <p>MOTION FOR RELIEF FROM
AUTOMATIC STAY AND/OR MOTION
FOR ADEQUATE PROTECTION
2-18-14 [24]</p> |
| <p>AMERICAN HONDA FINANCE
CORPORATION VS.</p> | |

Tentative Ruling: This is a properly filed motion under LBR 9014-1(f)(2). Opposition may be presented at the hearing. Therefore, the court issues no tentative ruling on the merits of the motion.

3. [11-34044](#)-B-13 EARLINE MILES
JHW-1

MOTION FOR RELIEF FROM
AUTOMATIC STAY
1-31-14 [[58](#)]

MERCEDES-BENZ FINANCIAL
SERVICES USA, LLC VS.

Disposition Without Oral Argument: This motion is unopposed. The court issues the following abbreviated ruling.

The motion is granted in part. The automatic stay is modified as against the estate and the debtor pursuant to 11 U.S.C. § 362 (d)(1) in order to permit the movant to obtain possession of its collateral, a 2007 Mercedes-Benz CLK63 (VIN WDBTK77G77T076244) (the "Collateral"), to dispose of it pursuant to applicable law, and to use the proceeds from its disposition to satisfy its claim. The 14-day period specified in Fed. R. Bankr. P. 4001(a)(3) is ordered waived. Except as so ordered, the motion is denied.

The debtor's chapter 13 plan, confirmed by order entered October 5, 2012 (Dkt. 52) treats the movant's secured claim as a class 2 claim, to be paid by the chapter 13 trustee from the debtor's monthly plan payments. The movant alleges without dispute that, as of the date of the filing of the motion, the debtor has not made three plan payments to the trustee, and therefore the movant has not received three payments on account of its allowed unsecured claim. The foregoing constitutes a lack of adequate protection and cause for relief from the automatic stay.

The court will issue a minute order.

4. [12-31173](#)-B-13 TAPFUMA OLIVER
KSW-1

MOTION FOR RELIEF FROM
AUTOMATIC STAY
1-27-14 [[22](#)]

CITIMORTGAGE, INC. VS.

Tentative Ruling: The motion is dismissed as moot. The plan, filed June 12, 2012 (Dkt. 5), confirmed by order entered August 15, 2012 (Dkt. 16), already provides relief from the automatic stay for this Class 4 claim regarding real property located at 2329 Vista Grande Fairfield, California (APN 0156-113-430). The movant already has the relief it seeks by this motion.

The court will issue a minute order.